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## **Avon Rubber Retirement and Death Benefits Plan**

### **Internal dispute resolution procedure**

Avon Rubber Pension Trust Limited, which is the trustee of the Avon Rubber Retirement and Death Benefits Plan (the "**Trustee**" and the "**Plan**" respectively) has adopted an internal dispute resolution procedure (**IDRP**) in accordance with sections 50 to 50B of the Pensions Act 1995 (**PA 1995**).

#### **Who may make a complaint?**

Any person listed below may make a complaint under this IDRP:

- A member of the Plan.
- A widow, widower, surviving civil partner or surviving dependant of a deceased member of the Plan.
- A surviving, non-dependant beneficiary of a deceased member of the Plan. This is someone who, on the death of the member, is entitled to the payment of benefits under the Plan.
- A prospective member of the Plan. This is someone who, under the terms of their contract of service or the rules of the Plan, can become a member by choice; after a specified period; automatically unless they elect otherwise; or with employer consent.
- A person who has ceased to be in one of the categories above.
- A person who claims to be in one of the above categories and the dispute relates to whether he or she is such a person.

Complaints must be made in writing, ideally using the form attached to this procedure, but the complaint does not need to be made on that form.

A complaint under the IDRP must be about the Plan and relate to the Trustee or managers.

Complaints from members, or a person claiming to be a member, must contain the following information:

- The full name, address, date of birth and National Insurance number of the member.
- The full name and address of the member's representative (if any) and whether that address should be used for the service of legal documents.
- An explanation of the disagreement between the member and the Plan, including enough details to show why the member is aggrieved.

Complaints from persons who are not Plan members, but are the surviving spouse, dependant, civil partner or non-dependant beneficiary of a deceased member (or claiming to be any of these), must provide the following information:

- The full name, address and date of birth of the complainant and the member.
- The member's National Insurance number.
- Details of the relationship between the member and the complainant.
- The full name and address of the complainant's representative (if any) and whether that address should be used for the service of legal documents.

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- An explanation of the disagreement between the complainant and the Plan, including enough details to show why the complainant is aggrieved.

The complainant may have a representative, if he or she wishes. The representative must be:

- Nominated by the complainant.
- The complainant's personal representative (if the complainant is dead).
- One of the complainant's family, or another appropriate person, if the complainant is a minor or otherwise unable to act.

### **Time for making the Complaint**

A complaint must normally be made within six months of the date of the decision or event which is the subject of the complaint.

### **The Specified Person**

Eric Fielding at Avon Rubber p.l.c., Hampton Park West, Melksham, Wiltshire SN12 6NB is the **specified person** to consider complaints under section 50(4A) of the PA 1995.

### **The Specified Person's Decision**

The specified person will acknowledge receipt of a complaint within five working days, including a statement that the Pensions Advisory Service (**TPAS**) is available to assist members and beneficiaries with any difficulty with the Plan (and providing TPAS' contact details).

The specified person will deal with the complaint initially and issue a decision. In reaching that decision, the specified person may:

- Investigate the complaint as he sees fit.
- Obtain advice from the Plan actuary, Plan solicitor or other appropriate professional.
- Ask the member or complainant (or any other relevant person) for any additional information considered appropriate by the specified person in order to deal with the complaint.
- Consider the Plan managers' usual practice in relation to similar complaints (but the specified person is not bound by the managers' usual practice).

The specified person will endeavour to make a decision as soon as possible after receipt of the complaint, but within four months of receiving the complaint.

If the specified person cannot make a decision within four months, he will notify the complainant (or his or her representative), explaining the reason for the delay and when he expects to be able to make a decision.

The specified person will notify the member or complainant of his decision in writing no later than 15 working days after the decision was made. The notice will include:

- A statement of the decision, which may or may not include reasons.
- A reference to a legal provision or Plan rule that the decision relied on.
- If a discretion has been exercised, a reference to the Plan rule giving that discretion.
- A reference to the member or complainant's right to appeal to the Trustee within six months of the date of the decision.

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- A statement that TPAS is available to assist members and beneficiaries with any difficulty with the Plan, and TPAS's contact details.

The specified person shall notify the Trustee of his decision.

### **Appeals**

The member or complainant may appeal against the decision of the specified person. The notice of appeal must be in writing and include:

- All of the details provided with the initial complaint.
- A copy of the specified person's decision.
- An explanation of why the person is dissatisfied with the specified person's decision.
- A statement that the member or complainant wants the Trustee to reconsider the decision.

The notice of appeal must be addressed to the Trustee, marked for the attention of Miles Ingrey-Counter (the chair of the Trustee), at:

Hampton Park West  
Melksham  
Wiltshire  
SN12 6NB

The notice of appeal must be received by the Trustee within six months from the date of the notice of the decision. If a notice of an appeal is received after this date, the Trustee may, in its absolute discretion, decide whether or not to accept the appeal.

The Trustee shall acknowledge receipt of the appeal within five working days.

The Trustee may request any additional information it requires.

The board of the Trustee (the "**Board**") may delegate the investigation and determination of the complaint to a sub-committee of the Board.

The Trustee must use its reasonable efforts to make its decision within four months of receiving the appeal.

If the Trustee cannot make its decision within four months of receiving the appeal, it shall inform the member or complainant (as appropriate) in writing, of the reasons for the delay and when it expects to make a decision on the appeal.

The Trustee will notify the member or complainant of its decision in writing, no later than 15 working days after the decision was made. The decision on the appeal must include the following information:

- A statement of the decision.
- An explanation of whether (and, if so, the extent that) the decision confirms the specified person's decision.
- A reference to a legal provision or Plan rule that the decision relied on.
- If a discretion has been relied on, a reference to any Plan rule giving that discretion.
- A statement that TPAS is available to assist members and beneficiaries with any difficulty with the Plan, and TPAS's contact details.

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- A statement that the Pensions Ombudsman may investigate and determine any complaint or dispute of fact or law in relation to a scheme made, or referred to, under the Pension Schemes Act 1993, and the Pensions Ombudsman's contact details.

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**Internal dispute resolution procedure (IDRP) application form**

**Avon Rubber Retirement and Death Benefits Plan (the "Plan")**

Please complete all relevant sections in capitals.

**YOUR DETAILS**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Postcode: \_\_\_\_\_

Telephone number: \_\_\_\_\_

E-mail address: \_\_\_\_\_

Date of birth: \_\_\_\_\_

National Insurance number: \_\_\_\_\_

**REPRESENTATIVE'S DETAILS**

(Please complete if you have a representative acting on your behalf. If you have no representative, please ignore and move on to the next section.)

Representative's name: \_\_\_\_\_

Address: \_\_\_\_\_

Postcode: \_\_\_\_\_

Telephone number: \_\_\_\_\_

E-mail address: \_\_\_\_\_

Should this address be used for serving the decision or any requests for additional information?  
Yes/No.

**DETAILS OF THE COMPLAINT**

Does your complaint relate to your membership (or prospective membership) of the Plan?  
Yes/No.

If yes, please provide details of your membership - for example, whether you are an active or pensioner member and the date you joined the Plan.

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Does your complaint relate to another person who is a Plan member? Yes/No.

If the answer is yes, please provide the following details relating to the member:

Member's name: \_\_\_\_\_

Member's address: \_\_\_\_\_

Postcode: \_\_\_\_\_

Member's date of birth: \_\_\_\_\_

Member's date of death (if applicable): \_\_\_\_\_

Member's National Insurance number: \_\_\_\_\_

Your relationship to the member: \_\_\_\_\_

**DETAILS OF YOUR COMPLAINT**

Please provide details of your complaint, with copies of any supporting documents or correspondence.

Continue on a separate sheet, if necessary.

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Signed: \_\_\_\_\_

Name: \_\_\_\_\_

Dated: \_\_\_\_\_

Please send this application to Eric Fielding, Avon Rubber p.l.c., Hampton Park West, Melksham, Wiltshire, SN12 6NB.

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**NOTE:**

This complaint may not be dealt with under the Plan's IDRP if the Pensions Ombudsman has started investigating this complaint or court or tribunal proceedings have begun. By signing and returning this form, you are confirming that no investigation or proceedings have commenced.

You should receive an acknowledgement of your complaint within the next five working days. Please refer to the Plan's IDRP document for more information about what happens next.